

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES R. LIVECCHI and
C.R.L. MANAGEMENT, INC.,

Defendants.

DECISION & ORDER

03-CV-6451P

On August 4, 2006, defendants (by counsel for C.R.L. Management, Inc. and by Charles R. Livecchi, *pro se*) filed a motion to “confirm[] that the case will proceed to a trial by jury by virtue of the jury trial demand, made December 31, 2003.” (Docket # 63-2). Plaintiff, the United States of America, opposed defendants’ motion and cross-moved to strike the jury demand and adjourn the trial until September 18, 2006. (Docket ## 68 and 69). Oral argument was held before this Court on August 17, 2006, at which time defendants were granted leave until August 21, 2006 to submit further reply papers and to oppose plaintiff’s cross-motion. On August 21, 2006, counsel for C.R.L. Management, Inc. left a telephone message with this Court stating his intention to file such papers by the following morning, August 22, 2006. No supplemental papers were filed by that date, nor have any been filed since.

Having fully considered the respective motions and the arguments made during oral argument, and having considered the applicable law, defendants’ motion to confirm a jury trial is hereby denied and plaintiff’s motion is hereby granted.

Trial of this matter shall proceed before this Court without a jury and shall commence on September 18, 2006, at 9:00 a.m.

The pre-trial conference shall proceed as scheduled tomorrow, August 29, 2006, at 3:00 p.m. At that time, the Court will provide an oral recitation of the reasons underlying this Decision and Order.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
August 28, 2006.